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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/108,506	07/01/1998	HIDEKI YASUKAWA	041-2021	2506

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EXAMINER

SALCE, JASON P

ART UNIT PAPER NUMBER

2611

*21*

DATE MAILED: 04/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/108,506

Applicant(s)

YASUKAWA ET AL.

Examiner

Jason P Salce

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,3-9,11-18 and 20-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,3-9,12-18 and 20-32 is/are allowed.
- 6) ☒ Claim(s) 11 and 31 is/are rejected.
- 7) ☒ Claim(s) 33 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |   |  |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>19</u> . | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed 11/24/03 have been fully considered but they are not persuasive.

Applicant argues that neither Hoarty nor Ohkura teaches, "a two-dimensional program table that actually shows three dimensions and whose two axes attributes can be arbitrarily selected by the user".

The examiner disagrees and notes the combination of Hoarty and Ohkura teaches that a two dimensional program table can display a third dimension, where Ohkura specifically teaches choosing not only two axis attributes, but also teaches selecting a third (see Figure 10 (a-2 through c-2) for the Day, Time and Genre areas all being moveable by a user, which are three different axes). Hoarty specifically teaches permitting the subscriber to find programs and movies by subject, show or actor (see Column 19, Lines 1-45), and teaches the EPG menu items (the carousel in Figure 37 or the three dimensional "DATE" button in Figure 36). Therefore, Hoarty improves upon the two-dimensional shape of Ohkura, by providing a three-dimensional shape, as taught by Hoarty, as independent claim 11 requires.

As for the added limitation, "so that any two attributes are selectable by a user among all the program information attributes, thereby allotting the two selected attributes, respectively, to each of the two attributes axes such that various combinations of the two axes attributes provide various different two dimensional program tables", the examiner notes that even with this newly added limitation, Ohkura

Art Unit: 2611

alone teaches this limitation in Figure 10 by having two selectable attributes (Day and Time) which are used to determine which programs will be displayed in Area Y of the EPG.

Therefore, claims 11 and 31 are still rejected by Ohkura in view of Hoarty, and this rejection is made Final.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 11 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohkura et al. (U.S. Patent No. 6,005,601) in view of Hoarty (U.S. Patent No. 6,100,883).

Referring to claim 11, Ohkura discloses a program information storage means for storing program information (see Column 5, Lines 17-21).

Ohkura also discloses a program table display means comprising a display having at least two dimensions defined by designation of at least two-axes attributes, wherein the attributes are selected from among all program information attributes, and at least two such attributes are used for two axes of a program table (see Column 5, Lines 21-25 and Figure 5).

Ohkura also discloses an attribute input means adapted to input attributes of two axes used for two-dimensionally displaying the program table (see Column 5, Lines 56-59).

Ohkura also discloses program table making means for retrieving program information from program information stored in the program information storage means on the basis of said input attributes to make the program table, said program information display means displaying the program table created by the program table making means (see again Column 5, Lines 17-25).

Ohkura also discloses a means to select three-axis attributes of the program table by a user (see again Column 5, Lines 56-59 and also Column 6, Lines 6-10 for inputting and X, Y, and Z selection using a remote control).

Ohkura fails to disclose displaying the EPG as a three dimensional shape. Hoarty teaches a three-dimensional shaped EPG used to display program choices after selecting multiple search attributes (see Column 18, Lines 63-67 and Column 19, Lines 1-19 and 24-43). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the two-dimensional EPG, as taught by Ohkura, by utilizing the three-dimensional shaped EPG, as taught by Hoarty, for the purpose of providing a more aesthetic and efficient menu for the user to make programming selections.

Claim 31 corresponds to claim 11, with the additional limitation of the programming information including an index for retrieving a program (see EPG database 22A at Column 5, Lines 17-25 of Ohkura); transmitting or receiving program

Art Unit: 2611

information (see Column 5, Lines 7-16 of Ohkura). Ohkura fails to teach maintaining a user attribute, which is adapted to retrieve the program information including the index for retrieving a program on the basis of the user attribute, at the receiver side.

The examiner takes Official Notice that it is well known for a set-top to retrieve user specified program information on an EPG in accordance with his/her user profile. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify Ohkura to include a memory to store a user profile, with his or her preference programming, for the purpose of preventing time consuming navigation through the EPG for preferred programming.

***Allowable Subject Matter***

3. Claim 33 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. Claims 1, 3-9, 12-18, 20-30 and 32 are allowed.

***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any


extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P Salce whose telephone number is (703) 305-1824. The examiner can normally be reached on M-Th 8am-6pm (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on (703) 305-4380. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

March 29, 2004



VIVEK SRIVASTAVA  
PRIMARY EXAMINER